

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD BANKO,	)	
	)	
Plaintiff,	)	Civil Action No. 06 - 946
	)	
v.	)	Judge Thomas M. Hardiman /
MARK BROOKS, Assistant District Attorney of	)	Magistrate Judge Lisa Pupo
Fayette County, JUDGE JOHN WAGNER, Fayette	)	Lenihan
County Court of Common Pleas, MARK MEHALOV,	)	
Assistant District Attorney of Fayette County,	)	
THOMAS SHAFFER, Assistant to the Public Defender,	)	
RUSSELL FREED, Pa. State Trooper, JAMES	)	
WHICKER, Pa. State Police of Fayette County,	)	
BRENDA CAVALCANTE, District Magistrate,	)	
Masontown, Pa., CLINTON FERRIS, Pa. Attorney	)	
General's Office, VIDONISH, Pa. Attorney General's	)	
Office, JAMES STASKO, Fayette County Parole	)	
Officer, JAMES WILLIAMS, Fayette County Parole	)	
Officer, JAMES WILLIAMS, Fayette County Parole	)	
Officer, JASON CHESS, Fayette County Parole Officer,	)	
JUDGE GERALD SOLOMON, Fayette County Court	)	
of Common Pleas, THE DISCIPLINARY BOARD OF	)	
THE SUPREME COURT OF PENNSYLVANIA, and	)	
THE JUDICIAL CONDUCT BOARD OF	)	
PENNSYLVANIA,	)	
	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case was filed on July 19, 2006, and was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 7), filed on September 29, 2006, recommended that the Complaint (Doc. No. 3) be dismissed before service,

pursuant to the authority granted courts by the Prison Litigation Reform Act (PLRA), for failure to state a claim upon which relief can be granted. The Plaintiff was served at SCI Waymart, Post Office Box 256, Waymart, PA 18472-0256. He was advised that he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed what he called "Brief Reference to the Recommendation by the Court to Dismiss (Doc. No. 8) on October 10, 2006, which this Court interprets as objections to the report and recommendation. Plaintiff's objections have been reviewed and found to be without merit. After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

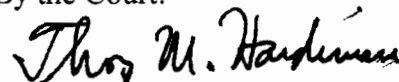
AND NOW, this 2<sup>nd</sup> day of November, 2006;

**IT IS HEREBY ORDERED** that this case is DISMISSED pursuant to the authority granted the courts by the Prison Litigation Reform Act (P.L.R.A.) for failure to state a claim upon which relief can be granted.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 7) of Magistrate Judge Lenihan, dated September 29, 2006, is adopted as the opinion of the court.

Dated:

By the Court:



Thomas M. Hardiman  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Edward O. Banko, Sr.  
FX - 8855  
S.C.I. Waymart  
Post Office Box 256  
Waymart, PA 18472-0256